

REMARKS

Claims 1-11, 19, 20, 22-27, 29 and 30 are pending in this application. By this Amendment, claims 12-18 are canceled without prejudice or disclaimer.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance for the reasons set forth below; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for an appeal should an appeal be necessary. More specifically, the above amendments merely cancel claims. Thus, no new issues are raised. Entry is proper under 37 C.F.R. §1.116.

Applicants gratefully acknowledge the Office Action's indication that claims 19-20, 22-27, 29 and 30 are allowed and that claims 8-11 contain allowable subject matter. However, as will be discussed below, all pending claims are believed to be allowable.

The Office Action rejects claims 1-7 and 12-18 under 35 U.S.C. §103(a) over newly-cited U.S. Patent 6,236,860 to Hagting et al. (hereafter Hagting) in view of newly-cited U.S. Patent 6,708,041 to Butovitsch et al. (hereafter Butovitsch). The rejection is respectfully traversed with respect to the pending claims.

Independent claim 1 recites transmitting information for an uplink synchronous transmission from a radio network controller to a first base station and a second base station, and reconfiguring a radio link between a mobile station and the second base station, based on the information for the uplink synchronous transmission. Independent claim 1 further recites

Reply to Office Action of May 17, 2006

adjusting a base time for the uplink synchronous transmission of communication data by the mobile station to match the base time of an uplink synchronization scheme of the second base station when the mobile station moves from a first area corresponding to the first base station to a second area corresponding to the second base station.

The Office Action states that Hagting does not disclose a radio network controller. The Office Action then asserts that Butovitsch teaches a radio network controller transmitting information to base stations. The Office Action cites Butovitsch's FIG. 1 and col. 6, lines 4-10. However, merely because Butovitsch teaches a radio network controller, this does not suggest that a radio network controller transmits information for an uplink synchronous transmission to base stations. That is, while a radio network controller may be well known in the art for transmitting information to base stations, independent claim 1 specifically recites transmitting information for an uplink synchronous transmission from a radio network controller to a first base station and a second base station. Neither reference teaches these features.

Further, there is no suggestion in the prior art to modify Hagting to include the claimed radio network controller and the other claimed features. The alleged modification is based on impermissible hindsight as there is no suggestion in the prior art suggesting the modification. The Office Action asserts that the motivation is "for the purpose of communicating with the base stations." Applicants respectfully submit that this is not a full and proper motivation to combine the references as alleged. Thus, the Office Action fails to make a *prima facie* case of obviousness with respect to independent claim 1 (and its dependents).

Accordingly, Hagting and Butovitsch do not teach or suggest transmitting information for an uplink synchronous transmission from a radio network controller to a first base station and a second base station, as recited in independent claim 1. Furthermore, since the references do not disclose the claimed transmitting information, the combined references also do not teach or suggest reconfiguring a radio link between a mobile station and a second base station, based on the information for the uplink synchronous transmission, as recited in independent claim 1. For at least the reasons set forth above, independent claim 1 defines patentable subject matter.

Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-11, 19, 20, 22-27, 29 and 30 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

Serial No. **09/978,550**

Docket No. **HI-0046**

Reply to Office Action of May 17, 2006

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK:DCO/kah

Date: August 16, 2006

Please direct all correspondence to Customer No. 34610